REMARKS/ARGUMENTS

The Examiner is thanked for the performance of a thorough search. By this response, Claims 1–6, 8, 13, 14, 28–33, 35, 40–41, 55–59, 62, and 67–68 have been amended. No claims have been added or canceled. Hence, Claims 1-14, 28-41 and 55-68 are pending in this application.

The amendments to the claims, which may broaden certain aspects of the original claims, do not add any new matter to this application and are supported by the Specification as originally filed. All issues raised in the Office Action are addressed hereinafter.

I.   CLAIM REJECTIONS—35 U.S.C. § 103

   A.   *Claims 1-9, 12-14, 28-36, 39-41, 55-63 and 66-68:* **Zigmond, Shoff, Ottesen,** *and* **Capek**

   Claims 1-9, 12-14, 28-36, 39-41, 55-63 and 66-68 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,400,407 ("*Zigmond*") in further view of U.S. Publication No. 2004/0210824 ("*Shoff*") in view of U.S. Patent No. 5,930,493 ("*Ottesen*") in further view of U.S. Patent No. 6,097,677 ("*Capek*"). This rejection is respectfully traversed.

CLAIM 1

The method of Claim 1 presently comprises, among other features:

> receiving **a media stream** at a receiver, the media stream
> > **comprising** at least: a) a plurality of **video frames**; and b) a
> > plurality of **video frame-specific tags within the media
> > stream**, the video frame-specific tags **including at least
> > command and control information** instructing said
> > receiver to perform certain actions;
>
> . . .
>
> performing appropriate actions in response to the video frame-
> > specific tags within the media stream, based at least on the
> > command and control information instructing said receiver
> > to perform the certain actions; and

> displaying program material in said stored media stream from said
> one or more storage devices to a viewer

The cited references fail to teach or suggest the method of Claim 1 for at least the following reasons:

(1)   *Ottesen* fails to teach "frame-specific tags"

The Office Action alleges *Ottesen* to teach "video frame-specific tags inserted in the media stream, each of the frame-specific tags specific to a particular video frame of the media streams." Specifically, the Office Action alleges *Ottesen* to teach this step of Claim 1 because "col. 9, lines 45–67 describes the use of tags to point to a particular program segment and thereby store the segment to a particular address" and "column 41, lines 30–67 describes the ability to customize program segments." The Office Action is erroneous.

Ottesen describes the division of a multimedia program into "video segments 48," which are each then "locatable within the storage device by reference to [a] unique segment address." *Ottesen* at col. 9, lines 60–67. The Office Action appears to interpret the "unique segment addresses" with the tags of Claim 1. However, the unique segment addresses cannot be the tags of Claim 1 for at least the reason that they are not "video frame-specific" as recited in Claim 1.

At best, *Ottesen*'s addresses are each specific to "video segment." *Id.* As well understood in the art, and as made explicit in *Ottesen*, **a video segment is comprised of many video frames**. *See Ottesen* at col. 11, lines 15–30 ("each video segment 48 represent[s] a one second, full-motion video portion of the movie. . . . [at] thirty frames per second"). Thus, ***Ottesen*'s unique segment addresses are not specific to any particular video frame, but to a segment comprised of a plurality of video frames**. Therefore, *Ottesen* does not teach or suggest "video frame-specific tags inserted in the media stream, each of the frame-specific tags specific to a particular video frame of the media streams."

(2)   *Ottesen*'s alleged "tags" do not include "command and control information"

Furthermore, at least some of the tags of Claim 1 "include **command *and* control** information." *Ottesen*'s addresses include no such information. Therefore, *Ottesen*'s addresses are not the tags recited in Claim 1.

(3) *Capek* merely contemplates the insertion of tags in an HTML document, not the insertion of tags into a video stream

The Office Action alleges *Capek* to teach "performing actions in response to said tags [that were inserted into the media stream] which include command and control information instructing said receiver to perform certain actions." Specifically, the Office Action alleges *Capek* to teach this step of Claim 1 because "Column 7 Lines 26–38 describes the control logic being associated with the tag information of the media stream." The Office Action is mistaken. The "control logic" described in column 7, lines 26–38 of *Capek* appears to be nothing more than the logic implemented by *Capek*'s insertion manager. *E.g. Capek* at col. 7, lines 26–28 ("[I]nsertion manager 20 provides the control logic for implementing the present invention.") **Capek contains no description of insertion manager 20's "control logic" being inserted into a media stream, nor associated with tag information.**

The Office Action alternatively alleges that *Capek* teaches the above-quoted feature of Claim 1 in col. 8, line 31–col. 9, line 25 because this passage "describes the insertions/tag information that allows for control information to be processed through the data being processed." Again, the Office Action is mistaken. This passage of *Capek* describes the customization of an insertion—i.e. information such as a web page or video provided to a user during delays in loading online content, *see Capek* at col. 7, lines 14–16. *Capek* further describes a "control mechanism" included in an insertion "to enable a client to interact with and control the insertion." *Capek* at col. 9, lines 6–10. However, **the only examples of a control mechanism offered by Capek are HTML tags, scripts, or applets inserted into a web page.** *Capek* at col. 9, lines 25–42. While *Capek* speculates that some of his techniques may have application to video/audio insertions, *Capek* fails to specifically teach that the control mechanisms may be included in the video/audio insertions. Moreover, one reading *Capek* would have no reason to suspect that *Capek*'s HTML tags, scripts, or applets could be included in a video/audio insertion. Certainly, one reading *Capek* would have no reason to suspect that *Capek*'s control mechanisms could be implemented by "video frame-specific tags" as recited in Claim 1.

(4)   *Capek* is incompatible with *Zigmond* because there are no transmission delays in *Zigmond*'s video signal during which to provide *Capek*'s "insertions"

The Office Action has alleged that it would be obvious to modify *Zigmond* to implement techniques allegedly taught by *Capek*. The Office Action is in error. One skilled in the art would have no reason to combine the references.

Zigmond describes techniques for "communicating logical addresses"—i.e. URLs—"within a broadcast television signal." *Zigmond* at col. 2, lines 41–43. Meanwhile, *Capek* describes the insertion of video or audio clips into content requested by a client during the delay between the time the client requested it and the time the client receives it. *E.g. Capek* at col. 7, lines 5–7 ("a video/audio clip may be provided to a person waiting for . . . on-demand television"); col. 7, lines 14–16 ("information provided to the user during delays is referred to hereinafter as an insert or insertion"); col. 7, lines 30–34 ("network communication delays . . . create an opportunity for presenting an insertion to the user"). Such delays are a well known artifact of on-demand content. However, such delays do not occur in the context of *Zigmond*'s broadcast television signals. Rather, *Zigmond*'s broadcast television signals are broadcast continuously, without having been requested by a client. **Because there are no network delays in *Zigmond*'s broadcast television signals, there would be no reason for one to modify *Zigmond* to include *Capek*'s insertions**.

(5)   The hypertext document in which *Shoff*'s alleged "tags" are stored is not a "media stream"

The Office Action alleges *Shoff* to teach "detecting video frame specific **tags inserted into said media stream**." Specifically, the Office Action alleges *Shoff* to teach this step on account of the "detection and processing of frame specific tags as described in paragraphs 0085–0091." The Office Action is mistaken.

The tags described in this passage of *Shoff* are examples of "supplemental interactive content" to be displayed along with a "traditional broadcast video program." *E.g. Shoff* at ¶ [0083], abstract. However, *Shoff*'s supplemental content is not included in the traditional broadcast video program. Rather, **_Shoff_'s "supplemental content" is provided as data that is entirely separate from the video program**. *E.g. Shoff* at FIG. 5 (showing the program source as being received as a first stream at tuner 98, and the supplemental content source being

received as a different stream at a modem or different tuner 100); ¶ [0068] (the digital data for the supplemental content is packaged **with, as opposed to in, the video stream**). *Shoff*'s supplemental content is then synchronized with the broadcast video stream (as opposed to being inserted into the broadcast stream), so that it is displayed along with the broadcast video stream.

At best, *Shoff*'s alleged "tags" can be said to be stored within a hypertext document that is transmitted to the client at the same time as an associated video stream. *Shoff* at ¶¶ [0082]–[0083]. However, the tags are not actually in the video stream, nor would one skilled in the art confuse the hypertext document in which the tags actually reside with a video stream. Thus, *Shoff* does not teach or suggest "detecting video frame specific tags inserted into said media stream."

      (6)   *Shoff*'s alleged "frames" are HTML frames and have nothing to do with video frames

Moreover, the relied upon passages of *Shoff* teach nothing more than that HTML attributes of HTML tags in HTML documents may be used to target "FRAME" elements. As Applicants have repeatedly explained, the described "FRAME" element is simply a common HTML element, and has nothing to do with a "video frame" as recited in Claim 1. *See, e.g.,* http://www.w3.org/TR/REC-html40/present/frames.html (providing an overview of HTML frames). Thus, regardless of the location of *Shoff*'s alleged frames and tags, *Shoff* does not teach or suggest "video frame specific tags" as recited in Claim 1.

For at least the foregoing reasons, the combination of *Zigmond*, *Shoff*, *Ottesen*, and *Capek* fails to provide the complete subject matter recited in independent Claim 1. Therefore, the combination of *Zigmond*, *Shoff*, *Ottesen*, and *Capek* would not have rendered Claim 1 obvious under 35 U.S.C. § 103. Reconsideration is respectfully requested.

CLAIMS 28 AND 55

Independent Claims 28 and 55 also recite features argued above with relation to Claim 1, although Claims 28 and 55 are expressed in other formats. Because Claims 28 and 55 each recite at least one of the features described above for Claim 1, Claims 28 and 55 are therefore each

allowable over the combination of *Zigmond*, *Shoff*, *Ottesen*, and *Capek* for at least one of the same reasons as given above for Claim 1. Reconsideration is respectfully requested.

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CLAIMS 2-9, 12-14, 29-36, 39-41, 56-63 AND 66-68

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Each of Claims 2-9, 12-14, 29-36, 39-41, 56-63 and 66-68 depends from Claim 1, 28, or 55, and includes the above-quoted features of its parent claim by dependency. Thus, the combination of *Zigmond*, *Shoff*, *Ottesen*, and *Capek* also fails to teach or suggest at least one feature found in Claims 2-9, 12-14, 29-36, 39-41, 56-63 and 66-68. Therefore, the combination of *Zigmond*, *Shoff*, *Ottesen*, and *Capek* does not render obvious Claims 2-9, 12-14, 29-36, 39-41, 56-63 and 66-68. Reconsideration of the rejection is respectfully requested.

In addition, each of Claims 2-9, 12-14, 29-36, 39-41, 56-63 and 66-68 recites at least one feature that independently renders it patentable. However, to expedite prosecution in light of the fundamental differences already identified, further arguments for each independently patentable feature of Claims 2-9, 12-14, 29-36, 39-41, 56-63 and 66-68 are not provided at this time. Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

B. ***Claims 10, 37 and 64:* Zigmond, Shoff, Ottesen, Capek, *and* Alexander**

Claims 10, 37 and 64 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,400,407 ("*Zigmond*") in further view of U.S. Publication No. 2004/0210824 ("*Shoff*") in view of U.S. Patent No. 5,930,493 ("*Ottesen*") in further view of U.S. Patent No. 6,097,677 ("*Capek*") in further view of U.S. Patent No 6,177,931 ("*Alexander*"). This rejection is respectfully traversed.

Each of Claims 10, 37 and 64 is dependent upon independent Claim 1, 28, or 55. As discussed in section A above, the combination of *Zigmond*, *Shoff*, *Ottesen*, and *Capek* fails to teach or suggest one or more features of Claims 1, 28, or 55. The one or more features, identified above, which are missing from the combination of *Zigmond*, *Shoff*, *Ottesen*, and *Capek*, are also missing from *Alexander*. In fact, the Office Action did not rely upon *Alexander* for teaching the one or more features. Consequently, the combination of *Zigmond*, *Shoff*, *Ottesen*, *Capek*, and

Alexander fails to teach or suggest one or more features of Claims 10, 37 and 64. Thus, Claims 10, 37 and 64 are patentable over the combination of *Zigmond*, *Shoff*, *Ottesen*, *Capek*, and *Alexander*.

Additionally, each of the dependent claims recites at least one additional feature that independently renders it patentable over the combination of *Zigmond*, *Shoff*, *Ottesen*, *Capek*, and *Alexander*. However, to expedite prosecution in light of the fundamental differences already identified, further arguments for each independently patentable feature of Claims 10, 37 and 64 are not provided at this time. Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

C.   *Claims 11, 38 and 65:* Zigmond, Shoff, Ottesen, Capek, *and* Dunn

Claims 11, 38 and 65 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,400,407 ("*Zigmond*") in further view of U.S. Publication No. 2004/0210824 ("*Shoff*") in view of U.S. Patent No. 5,930,493 ("*Ottesen*") in further view of U.S. Patent No. 6,097,677 ("*Capek*") in further view of U.S. Patent No 5,648,824 ("*Dunn*"). This rejection is respectfully traversed.

Each of Claims 11, 38 and 65 is dependent upon independent Claim 1, 28, or 55. As discussed in section A above, the combination of *Zigmond*, *Shoff*, *Ottesen*, and *Capek* fails to teach or suggest one or more features of Claims 1, 28, or 55. The one or more features, identified above, which are missing from the combination of *Zigmond*, *Shoff*, *Ottesen*, and *Capek*, are also missing from *Dunn*. In fact, the Office Action did not rely upon *Dunn* for teaching the one or more features. Consequently, the combination of *Zigmond*, *Shoff*, *Ottesen*, *Capek*, and *Dunn* fails to teach or suggest one or more features of Claims 11, 38 and 65. Thus, Claims 11, 38 and 65 are patentable over the combination of *Zigmond*, *Shoff*, *Ottesen*, *Capek*, and *Dunn*.

Additionally, each of the dependent claims recites at least one additional feature that independently renders it patentable over the combination of *Zigmond*, *Shoff*, *Ottesen*, *Capek*, and *Dunn*. However, to expedite prosecution in light of the fundamental differences already identified, further arguments for each independently patentable feature of Claims 11, 38 and 65 are not provided at this time. Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

II.   CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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